

03-08-06

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Robert J. Simmons

Attorney Docket: J-BSIM.1009

Confirmation No: 3807

March 6, 2006

Serial No.: 10/750,708

Group #: 3637

Filed: January 2, 2004

Examiner: Phi Dieu Tran A

For: Building Frame With Open/Openable-Top, Hollow, Tubular Column Structure

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450\

Sir:

**RESPONSE**

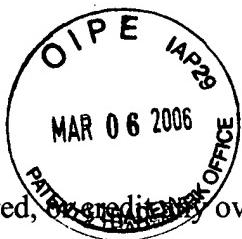
Responsive to the Election/Restriction Requirement, dated February 14, 2006,  
Applicant(s) elect(s) to prosecute claims directed towards the invention identified as Species II,  
by the Examiner in the Office Action, without traverse.

HOWEVER, The Examiner identifies Species II as containing claims 3 and 4,  
which are method claims, when, in fact, claims 3, 4 and 5 are presented in the Application as filed,  
and are all method claims. Accordingly, Applicant Elects Species II, containing claims 3, 4 and 5.

If the Examiner has any questions regarding this Election, the Examiner is invited  
to contact the undersigned.

If this response is deemed to be untimely, Applicant provisionally requests an  
extension of time to respond under 37 C.F.R. § 1.136

The Commissioner is hereby authorized to charge any additional fees which may



be required, ~~or credited~~ over-payment to Account No. 22-0258.

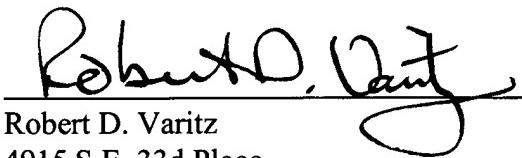
Customer Number

Respectfully Submitted,

56703

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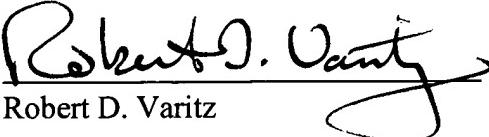
RDV:bd

#### CERTIFICATE OF EXPRESS MAILING

“Express Mail” Mailing Label No. **EV756095136US**  
Date of Deposit - March 6, 2006

I hereby certify that the attached Election is being deposited with the United States Postal Service “Express Mail Post Office to Addressee” service under 37 C.F.R. 1.10 on the date indicated above and is addressed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

  
Robert D. Varitz